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October 2, 2002

Philip A. Crotty, Esq.
Town Attorney
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

*Via Facsimile: 563-4693
and Hand Delivered*

COPY

Re: Harp Estates / Covington Estates Multi-Family Development
New York State Route 300
Town of New Windsor
Our File No. 4433-2

Dear Mr. Crotty:

This letter is in follow up to our telephone conversation yesterday regarding the extension of Water District No. 5 to incorporate the above referenced parcel which is proposed for a 124 unit multi-family development. Unlike other proposed district extensions, these parcels are located wholly within the Town of New Windsor, therefore, no intermunicipal agreement are necessary for this extension.

Also, it is my understanding that the Town's engineering consultants have reviewed and approved the engineering report and have determined that there will be some improvements necessary to a pump station to accommodate this development and to other projects in the Town. The applicant has agreed to pay a pro rata portion of the cost of this pump station based upon estimates and discussions with the Town engineering consultants.

The Planning Board at its September 25, 2002, conducted and closed a public hearing on the site plan of the proposed development. The applicant is in the process of addressing the few remaining issues with the Planning Board with the anticipation of obtaining a SEQRA determination and conditional final site plan approval in the near future.

One of the issues the Planning Board has asked us to address is the timing of the district extension.

We are prepared to proceed with a public hearing on the district extension with the Town Board. We are also fully prepared to proceed with the Planning Board to obtain the SEQRA determination and conditional final approval on the site plan. The ultimate decision is between the Town Board and the Planning Board as to the timing and coordination of the necessary actions to be taken by each respective board.

However, I provide the following alternative courses of action for your consideration:

1. The Planning Board issues its SEQRA determination and conditional final site plan approval.
2. The Town Board utilizing the SEQRA determination adopted by the Planning Board, holds the public hearing and adopts a resolution and order so extending the water district. (I have attached a draft of an Order Setting the Public Hearing for your review.)

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1. Town Board adopts an order scheduling a public hearing on the water district extension at its next available meeting and holds the public hearing at its first November meeting. If at that meeting all issues have been addressed to the Town Board's satisfaction, the Town Board can indicate its intent to extend the district the Planning Board.
2. The Planning Board issues its SEQRA determination and conditional final site plan approval.
3. The Town Board utilizing the SEQRA determination adopted by the Planning Board adopts a resolution and order so extending the water district.

I believe either course of action will insure that all issues and concerns of both boards have been properly addressed.

I will be more than happy to discuss these matters with you as we proceed forward. As always, thank you for your kind attention and courtesies in this matter.

Very truly yours,

John C. Cappello

cc: Mark Edsall, P.E.
Mr. David Weinberg
Tectonic Engineering